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THE CONTINENTAL CONGRESS.

BY HERBERT FRIEDENWALD, PH.D.

The Continental Congress occupies a most interesting and important position in our national and political history. Suddenly brought together to meet a pressing emergency, its membership was made up from the most thoughtful among the men of the country. Few of them, if any, conceived that events would so happen that they would be called upon to adopt a policy which must inevitably lead to establishing a new power among the nations. And yet bold measures followed each other so closely, and in such logical order, that it is frequently difficult to believe that some of the stronger minds did not designedly shape their sequence.

While the Congress has gained special prominence as the directing head of a great war, it was far more of a force than this, although the attributes of its jurisdiction were for the most part gained by reason of its direction of the armed struggle. A single governmental authority with ill-defined powers, it exercised, as occasion arose, the functions of an executive, of a legislative, and of a judicial body, but not always in like degrees of efficiency. Purely revolutionary in its nature, it continued in existence because of receiving the popular sanction to carry out a definite object; but obtaining its support from the people through the cumbrous medium of Colonial or State legislatures, there resulted frequent hesitation and indetermination, and disastrous delay. In addition, public opinion was widely divergent, and to conform to it political insight of no mean order was requisite.

The Congress, too, was the laboratory wherein were performed many experiments in government before a satisfactory national constitution was finally evolved; and the experience there gained in other lines besides those of government was often drawn upon on subsequent occasions.

Through its instrumentality, also, the States were kept in

touch with one another in a manner such as had never before been possible, and men learned to see that there were broader interests at stake than those bounded by narrow State lines. Finding that protection from the common danger was to be obtained by means of the strong arm of Congress, a sentiment for union was aroused which, weak at first, passed through various stages of development until the bonds were at length firmly knit.

If we bear these facts in mind, and make a careful examination of the transactions of the Congress, we can but conclude that, with small exception, we know little of its methods of work, of the nature of the problems that came before it for solution, and of its reasons for solving them as it did.

The investigator who undertakes to clear up these points has at his command such a wealth of original documents that all who have made an examination of them have paused, rather because of the abundance than because of the paucity of the material; for no welcome index is at hand to lighten the labors of research.

Such as may be termed official documents, and which are deposited at the Department of State at Washington, may roughly be divided into two classes: (1) the Journal of the proceedings, and (2) the papers of all kinds other than the Journal.

The Journal affords but little information beyond the mere record of the passage of resolutions, of the receipt of letters, and of the appointment and report of committees. After August, 1777, when the yeas and nays began to be recorded, we may glean, from the frequency with which they were demanded, how, and with what amendments, many of the more weighty resolutions were passed. Although this Journal is our main source of reliance, and is almost wholly in the hand of Charles Thomson,—to whose care and diligence are due the rather orderly preservation of nearly all our revolutionary material, and whose services to the cause of history have never been adequately recognized,—it varies much in the fulness of its report.

In print, exclusive of the Secret Journal, it fills a total of nearly three thousand pages. But, while it requires a half of these volumes to record the events of the first four years, the acts and resolutions of the next ten are crowded into the remainder. It cannot be said, either, that the events of the earlier years overshadow in importance those beginning with the year 1779. We know that this is not the case, and if any additional proof were necessary, the voluminous papers other than the Journal establish this beyond a peradventure.

Beginning with the year 1779, although as many letters were received and as many committees reported as before that time, the printed Journal fails to mention more than a tithe, and soon makes note of them only in special cases, and when immediate action is taken. A careful comparison of the manuscript with the Journal as printed shows that this is not altogether the result of imperfect editing, but that there was also a decided change, at the period mentioned, in the method of keeping the record. As a general thing, the proceedings are more briefly recorded; of many transactions no account at all is kept, and often the only way of discovering when a letter was received or a committee reported is by referring to the endorsement upon the back of the document itself. Nor does the material to be found in the printed Secret Journal fill up more than a portion of the gap.

Contrary to a general supposition, however, there are few matters of very material interest and importance which yet lie buried in the manuscript. The omissions concern a variety of miscellaneous subjects, and occur at odd intervals, beginning with the year 1780. There seems to be no adequate explanation for the exclusion of these items, inasmuch as we gain from them a little additional information upon the organization of the old Federal Court of Appeals in Admiralty cases, which Professor Jameson has so exhaustively studied; some new data relating to the lengthy New Hampshire Grants controversy and the cession of Virginia lands; a point or two upon such matters as the conduct of military

and financial affairs and the regulation of a national post-office; and, finally, many highly enlightening details upon so valuable a matter as the Congressional banquet given on the 4th of July, 1785, to which fifty persons were invited, including Congress, which took place at the hour of five o'clock, and the bill for which was footed by the Board of Treasury.

Of the contents of the other manuscript documents, it is needless to say more than that they contain material upon every subject conceived of by the fertile brain of the American of a hundred and more years ago. They are contained in near three hundred folios of about three hundred pages each, some of which are duplicates or transcripts, and are arranged in a more or less orderly manner, for the most part in the covers of the last century; although the directing hand of the present régime has made some improvements and restorations, out of a hopelessly inadequate fund, in a painstaking and able manner, preserving the original order of arrangement. Of the other documents in print and manuscript at the disposal of the investigator, the majority are well known and are quite too numerous for the preservation of his peace of mind.

With such a mine before us, how much of it has been worked? It requires but brief examination to show that little more than the top-soil has been removed.

The popular, and to a great degree the scientific mind has always been much attracted by the opportunities afforded for recounting the story of successful deeds at arms and of the display of heroism in adversity. In consequence, the purely military features of the Revolution have received such adequate treatment, from nearly every point of view, that only here and there does an obscure point yet await elucidation.

The diplomatic relations of the struggling country with foreign nations have also been given much attention, so that even the large amount of new material, that has recently come to light, will but serve to be corrective of detail rather than make the rewriting of the whole story an absolute

necessity. However, a complete diplomatic history of the Revolution which takes into account the new evidence is much to be desired.

Next to these, the financial affairs have, perhaps, received the most careful consideration, although many think that to the abundant material which has appeared on this subject extensive and important additions and corrections have yet to be made. Then, if we include certain more or less isolated articles upon the history of the adoption of the Declaration of Independence and the Articles of Confederation, upon the Ordinance of 1787 and the movements of population westward, and upon the relations of Congress with the Indians, we have embraced the greater part of the printed information at our command.

It is obviously impossible that the Congress, in the fourteen years of its existence, transacted no business other than such as should be classed under the heads enumerated above, and to some of the subjects still awaiting investigation it may be well to direct attention.

First of all, we know little about the manner in which the Congress was organized; what rules for its guidance were adopted; how they were changed and recast as time wore on and new spirits entered the legislative halls, and how custom fixed the rule for as much as was set down in the regular code. For it is well to remember that no one set of rules of procedure held the field for any long period; not a year came but brought with it some alterations, and during 1777 they were made almost monthly.

By closely examining the methods of work of the Congress, and their inception and nature, we can discover—and in no other way—why it was that affairs of the greatest moment were often tabled or committed and left lie unheeded, until the exigency had risen to the point of a crisis. From such an examination we will learn that a body of about twenty-five men controlled the destinies of the nation; that their number often fell below twenty-five, but never rose to more than thirty-five; that their time at even, at morning, and at noon was taken up with such a multi-

plicity of wearisome details that the wonder is not that affairs were delayed, but that they ever accomplished even a small portion of what was brought forward for their consideration. To take an instance at random. On one of the days when the Articles of Confederation were up for exhaustive debate, and when they alone were of sufficient moment to warrant receiving the whole attention of a congress or convention, the subjects claiming consideration were of a most various nature. Beginning with the reading of a voluminous correspondence from different quarters, the appointment of express riders, suggested in one of the letters, was acted upon. Then, as Captain White Eyes had sent a message, his communication was disposed of by reference to the Committee on Indian Affairs, with the assignment to them of sundry duties. Next, the commissioners of Congress in foreign lands were granted an important extension of powers, whereby agents might be summarily dismissed for neglect of or disqualification for office.

No day's labor was ever complete, either, without giving some notice to the affairs of the army. This time the but too frequent complaint of need for arms, ammunition, and clothing reaches their ears, and to the Board of War is confided the trust of making provision for the wants of the army. The Board of Treasury, too, having recommended appropriations, its advice is heeded, and sums ranging from two hundred to fifty thousand dollars are ordered expended, for the most part to pay just debts due to the soldiery. Nor was this all, for standing and special committees were in the mean time busily engaged in the preparation of reports to be submitted for Congressional action. With so much of importance claiming attention, we can readily comprehend what an amount of log-rolling was necessary, and of this we can learn much from the correspondence of the day; for none of the letters are more fruitful of information than those written by certain of the members, who took the oath not to divulge the secrets of the body.

Much is yet to be learned of the economic activity of the time and of the part played by the Congress in originating

and developing the commercial and manufacturing interests of the country. The details of the various methods—some devious, some not—for gathering supplies not alone of military stores, but of clothing, cloths, blankets, and provisions,—articles so necessary to the very existence of the army,—form of themselves an exceedingly valuable adjunct to the history of the military campaigns. Ordinarily these matters are mentioned, and little more, under the head of the diplomatic negotiations, or are referred to when the results of strategic manœuvres are summed up; but such treatment loses sight not alone of the quantities of supplies gathered from within the country itself, but of their method of collection and distribution, and of the encouragement by bounty given to induce the manufacture of the needed articles.

Then, too, it may not be uninteresting to know how this large body of men were subsisted; in how far they lived on the country in the immediate vicinity, and what were the facilities for obtaining provisions from other quarters. This, in turn, will throw light upon the doings of the commissary and quartermaster departments with their oftentimes unhappy transactions.

The mention of the enterprises of a commercial nature entered upon by the Congress itself calls to mind the participation of the privateersmen in the struggle, for they lent no small aid in accomplishing the successful issue of the war. Something of the value and extent of their contributions may be appreciated when we consider that before the end of 1776 nearly three hundred and fifty prizes had fallen into the hands of these American adventurers, and the rates of insurance had risen, in England, to twenty-five per cent. So large was the amount of booty obtained in this way, and so great were the attractions offered, that the rage for privateering is frequently assigned as the cause of the deficiencies in the battalions of Congress and the States.

In view of the fact, too, that the army and its doings have proved the all-absorbing topic of research, it is somewhat remarkable that we know so little in a definite way of the means resorted to to bring it together and to prevent its

disintegration. What cajoling and coaxing were required, as we are often told, to prevent men from going home before their terms of enlistment had expired, the while their crops needed sowing or were rotting in the fields. Whether desertions were due to a lack of patriotic feeling, or whether individual independence of action had become so much of a principle that men would brook no interference with their free choice of serving their country or their families as to them seemed most fit?

Quite as, if not more, important are the accounts of the necessity for an early resorting to bounty giving and drafts to fill up the regimental quotas; for in dealing with these measures Congress, both by special legislation and by urgent recommendation to the States, early took an active hand. Such being the case, we are able to rectify one of the most wide-spread of false impressions,—namely, that Congress as a body, and some of its more celebrated members, were averse to long terms of enlistment. On the contrary, the Congress was willing and anxious to get an army for a long period or for the war, and took steps with such an end in view some time before the Declaration was agreed to. But the adoption of such a policy was wrecked by the opposition of the people. Their objections arose from a diversity of opinions, and varied in different parts of the country. Here they held back for the worldly motive of ability to obtain greater pecuniary reward in other directions, there the elements of ignorance of and inability to appreciate the critical import of the particular period must be given due weight when we seek to reach an impartial decision; for communication was slow and often sorely impeded, and it took a long time before the people of one State knew what those of another had accomplished. As a result, many of the evidences of lukewarmness were due, as Washington put it, to lack of means whereby to draw forth the resources of the country.

Nor can we admit that men held off because of a deep-seated dread of the power of standing armies. In this time-worn argument a strange confusion of thought is easily discernible, for there is a wide difference between a foreign

army sent to enforce irritating legislation, and which must of necessity cause hostility, and one raised from within the country and receiving the sanction for its existence from the popular will. In the one case there is oppression, in the other representative force or revolution.

Closely related to the organization of the army is that of the humane hospital corps, for those were not the days of the Red Cross Brotherhood. Its services were of great assistance, and its arrangement was many times changed before the point of efficiency was reached. Nor were enmity and jealousy always absent from the council board of those charged by Congress with the execution of its desires.

The relations with the Indians afforded the opportunity for much instructive study, for the Congress changed its policy towards them with the frequency of the change in the character of its own membership. Sometimes war was waged against them, now they were enlisted to fight in the cause of liberty, and again measures were passed looking towards their pacification and education.

These are some of the principal subjects that occur to us from an examination of the Journal, but their number could, with little effort, be greatly extended; for in making a close study of the doings of the old Congress from the point of view of the members themselves, we are enabled to put quite a different face upon its transactions. By taking up the Journal day by day, by following the correspondence as it was received, and by noting the appointment and the reports of the hundreds of committees, we can learn to see events as they appeared to the members, and find the explanation for many of the most incomprehensible of their actions. Supplementing this with such other information as is accessible, it is possible to put into the old Congress something of the breath of life, to "cover with flesh the dry bones," and to give it more of a human and, perhaps, a trifle less of an heroic character.

In such wise we are enabled to discover that many of the tendencies which were subsequently crystallized into actu-

ality under the Constitution here first had their origins, or were here given additional development. By this we mean not merely the growth and development of institutions like the executive departments of the government, but we have reference to the larger questions of the relation of the States to the centralized government, such as it was, of the refusal of Congress to take part in any of the affairs connected with the regulation of the internal police of the States, of the early stand on the question of separation of church and state, and of the refusal to become sponsor for any one sect or religion, favoring all equally.

Besides, there were such matters as appeals to Congress to take in hand controversies between States and individuals within other States, over which the smaller bodies soon appreciated that they had no jurisdiction; as the insistence by Congress, before the period of confederation, on the absolute control of foreign negotiations, and as the avowal that upon the shoulders of this body rested the burden of providing for the common defence and the general welfare.

Closely connected with all these is the matter of rotation in office, and the changes in the character of the membership of the Congress,—changes which, since the results of recent Congressional elections in this country, we can perhaps better appreciate, making it possible to account for them in much the same manner as those in the character of the House of Commons within recent years are explained. For, with the adoption of the new Constitution, with the growth of the dignity of Statehood, and with the extension of the franchise came the spread of democracy and democratic ideas, which, receiving an impetus at this period, was further impelled by the elections of 1800, until finally launched by those of 1828.

We know how good men constantly fail of re-election in our own day; is it not likely that majorities, amid the excitement of those times of dissatisfaction with the failure to put an end to the ravages and conquests of the enemy, were quite as fickle or perhaps as desirous of change as are those of our own time?

And was it not due to these changes in the make-up of Congress, as well as more directly to the multiplicity of affairs needing attention, that the adoption of the Articles of Confederation, of whose origins so little is now to be found in print, was put off so long as it was? And ought we not, in considering the shortcomings of these Articles, to make due allowance—as is often done when mention is made of the first constitution of the French Revolution—for the fact that one and the same body, amidst the fatigues and perplexities of governing the country, was called upon to devise a new plan of government for it?

These subjects are all worthy of the most careful consideration and study; and while there has been no desire to belittle or undervalue in any way the many contributions made to a better understanding of the period, the thought occurs that as this was a body called into being by reason of exceptional circumstances, which lived a life of great usefulness, and died while witnessing its nobler offspring rise to take its place, should not this body have its story related as that of a special phase of our history in many ways dissociated from, and in still more connected with, preceding and succeeding events? For, as Professor McMaster tells us, after a skilful comparison of the Continental Congress with the Long Parliament and the National Assembly, “The memory of the Continental Congress is bound up with that portion of our national history which we contemplate with feelings of peculiar pride: with the sacrifices and the sufferings, more cruel than the grave, of the eight years of war; with the poverty, the struggles of the six years of peace that preceded the organization of the Federal government. The republics which the Long Parliament and the National Assembly set up have long since disappeared from the face of the earth. The republic which the Continental Congress set up still endures.” To us a history of the transactions of this remarkable body of men, the Continental Congress, seems most desirable, and to its preparation somewhat as outlined above have been devoted the better part of the past three years.